

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:)	
)	
DMI Automotive, Inc.)	FINDING OF VIOLATION
Howell, Michigan)	
)	EPA-5-00-MI-9
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 <u>et</u> .)	

Finding of Violation

The United States Environmental Protection Agency (U.S. EPA) finds that DMI Automotive, Inc. (DMI), is violating Section 112 of the Clean Air Act (Act), 42 U.S.C. §§ 7401 et seq. DMI is violating the National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (Chrome Plating NESHAP), at 40 C.F.R. Part 63, Subpart N, as follows:

Regulatory Authority

1. The Chrome Plating NESHAP applies to each chromium electroplating or chromium anodizing tank at facilities performing hard chromium electroplating, decorative chromium electroplating, or chromium anodizing.
2. On May 6, 1980, the Administrator of the U.S. EPA approved Michigan Air Pollution Control Commission Rule R336.1201 (Rule 201) (45 Fed. Reg. 29790), as part of the federally enforceable SIP for Michigan.
3. Rule 201 sets forth the requirements for permits to install (PTI) under the Air Pollution Act of Michigan.
4. On September 30, 1994, the Michigan Department of Environmental Quality (MDEQ) approved PTI No. 161-94 for DMI, pursuant to Rule 201. On August 20, 1997, MDEQ approved PTI No. 161-94A for DMI, pursuant to Rule 201.
5. Special condition 21 of PTI No. 161-94 required and special condition 19 of PTI No. 161-94A requires DMI to have an operation and maintenance plan (O&M plan).
6. Special condition 20 of PTI No. 161-94A requires DMI, in part, to determine the pressure drop across DMI's control on a daily basis. If the pressure drop exceeds the value established during the

source's initial testing, DMI must document the exceedance and review the operation and maintenance procedure.

7. Special condition 26 of PTI No. 161-94 required and special condition 23 of PTI No. 161-94A requires DMI to maintain records of daily and monthly inspections, daily washdowns, daily pressure drop readings and any emission tests performed.

8. The Chrome Plating NESHAP, at 40 C.F.R. § 63.7(a)(2)(ii), requires, in part, the owner or operator of an affected source to do performance testing, or another form of compliance demonstration, within 180 days after its initial startup date if the source is new and its initial startup date was after the effective date of a relevant standard.

9. The Chrome Plating NESHAP, at 40 C.F.R. § 63.342(f)(3)(i)(A), requires the owner or operator of an affected source to prepare an O&M plan, which specifies the operation and maintenance criteria for the affected source.

10. The Chrome Plating NESHAP, at 40 C.F.R. §63.343(c)(1), defines the compliant operating range for a composite mesh pad system. An owner or operator may conduct multiple performance tests to establish a range of compliant pressure drop values, or may set as the compliant value the average pressure drop measured over the three test runs of one performance test and accept ± 1 inch of water column from this value as the compliant range.

11. The Chrome Plating NESHAP, at 40 C.F.R. §63.346(b), requires the owner or operator of an affected source, in part, to maintain the following records for the source: (1) inspection records for the add-on pollution control device; (2) records of all maintenance performed on the affected source, the add-on air pollution control device, and monitoring equipment; (3) records of the occurrence, duration, and cause (if known) of each malfunction of process, add-on air pollution control, and monitoring equipment; (4) records of actions taken during periods of malfunction; (5) other records necessary to demonstrate consistency with the provisions of the O&M plan; (6) test reports documenting results of all performance tests; and (7) all measurements as may be necessary to determine compliance with the special compliance procedures of 40 C.F.R. § 63.344(e).

Factual Background

12. DMI owns and operates a hard chrome plating facility, specifically a hard chrome plating tank, at 1200 Durant Drive, Howell, Michigan. This facility's initial startup date was June 15, 1996.

13. DMI's facility is subject to the Chrome Plating NESHAP at 40 C.F.R. Part 63, Subpart N.

14. DMI operates control equipment consisting of a composite mesh pad system at its facility.

15. On March 13, 1997, the Michigan Department of Environmental Quality (MDEQ) conducted an inspection of the DMI facility.

16. On August 3, 1999, MDEQ conducted a follow-up inspection of the DMI facility.

Violations

17. The Chrome Plating NESHAP, at 40 C.F.R. § 63.7(a)(2)(ii), required DMI to perform an initial performance test, to verify the total chromium emission rate from its facility, by December 12, 1996. As of March 13, 1997, DMI had not conducted this test.

18. DMI's failure to conduct an initial performance test violates 40 C.F.R. § 63.7(a)(2)(ii).

19. As of March 13, 1997, DMI had not prepared an O&M plan, as required by 40 C.F.R. § 63.342(f)(3)(i)(A); special condition 21 of PTI No. 161-94; and special condition 19 of PTI No. 161-94A.

20. DMI's failure to prepare an O&M plan violates 40 C.F.R. § 63.342(f)(3)(i)(A); special condition 21 of PTI No. 161-94; and special condition 19 of PTI No. 161-94A.

21. During an August 3, 1999 inspection, MDEQ obtained pressure drop records for DMI's composite mesh pad system.

22. The records for the composite mesh pad system indicated that the system operated below the established compliant pressure drop range on August 3, 1999.

23. When the composite mesh pad system operated below the established pressure drop range on August 3, 1999, DMI violated 40 C.F.R. § 63.343(c)(1) and special conditions 14, 16 and 20 of PTI No. 161-94A.

24. During the March 13, 1997 inspection, MDEQ observed that DMI had no records of daily and monthly inspections, daily gas velocity, daily washdowns and any emission tests performed.

25. DMI's failure to prepare records of daily and monthly inspections, daily gas velocity, daily washdowns and any emission tests performed, violates 40 C.F.R. §63.346(b); special condition 26 of PTI No. 161-94; and special condition 23 of PTI No. 161-94A.

11/29/2000
Date

for William L. MacDowell
Bharat Mathur, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Finding of
Violation by Certified Mail, Return Receipt Requested, to:

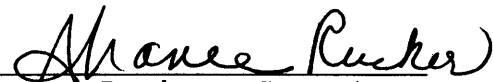
Dieter Schormann, President
DMI Automotive, Inc.
1200 Durant Drive
Howell, Michigan 48843

I also certify that I sent copies of the Finding of
Violation by first class mail to:

Timothy McGarry
Enforcement Unit Chief
Air Quality Division
Michigan Department of Environmental Quality
P.O. Box 30260
Lansing, Michigan 48909-7760

Lisa Scarpelli, District Supervisor
Southeast District
38980 Seven Mile Road
Livonia, Michigan 48152

on the 30th day of November 2000.


Shanee Rucker, Secretary
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7099 3400 0000 9592 5141